

# Quid Novi

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McGILL UNIVERSITY FACULTY OF LAW  
FACULTE DE DROIT DE L'UNIVERSITE MCGILL

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le 29 novembre, 1988

## Un champion des droits humains

par Jeanne Cadorette, LL. B IV

Les grandes idées engendrent l'intérêt, les grandes actions quant à elles engendrent le respect. C'est pour rendre hommage à un grand bâtisseur du droit international touchant les droits humains que la Faculté de droit et Interamicus ont inauguré le 16 novembre dernier les Conférences John P. Humphrey sur les droits de la personne. Qui d'autre que Monsieur Humphrey lui-même pouvait le mieux inaugurer cette série de conférences à la veille du 40<sup>e</sup> anniversaire de la Déclaration universelle des droits humains.

L'histoire du Professeur Humphrey, comme la cause des droits humains dans le monde, est pleine de péripéties. Diplômé de la Faculté de droit de McGill en 1929, il commence à y enseigner en 1936. Après la Seconde guerre mondiale, il devient "presque" doyen mais une offre lui permet de devenir directeur de la division des droits humains aux Nations-Unies et fait bifurquer sa carrière. On lui permet une absence de deux ans, il occupera ce poste pendant vingt ans. Il doit faire face à plusieurs controverses politiques et à de sérieuses remises en question du rôle d'une division des droits humains à l'ONU et de la nécessité de promulguer une Déclaration universelle des droits de l'homme. Le Professeur Humphrey enseigne à McGill depuis maintenant 31 ans et il compte y être pour une autre bonne décade.

Les événements précédant la Seconde guerre

mondiale et les atrocités commises pendant celle-ci ont amené la communauté internationale 'a vouloir établir des standards de respect des droits humains. Malgré l'opposition à certains principes importants comme le droit des peuples à l'auto-détermination et son impact sur le colonialisme, la Déclaration universelle des droits de l'homme est acceptée comme résolution de l'Assemblée générale des Nations-Unies en 1948. Eleanor Roosevelt aura été une grande artisane de la mise sur pied de la Commission des droits humains et de la Déclaration elle-même. Madame Roosevelt

dira même que la Déclaration universelle des droits de l'homme est la Magna Carta du genre humain.

Selon le Professeur Humphrey l'impact de la Déclaration ne s'est fait sentir qu'après plusieurs années, quand l'autorité des principes contenus dans la Déclaration fut réaffirmée par des tribunaux internationaux, nationaux et même dans des discours politiques. Pour lui, la Déclaration fait maintenant partie de la coutume et lie tous les états du globe.

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## The Final Arbiter

This week we present the third in an series of five excerpts from *Judges* by Jack Batten (Toronto: MacMillan of Canada, 1986).

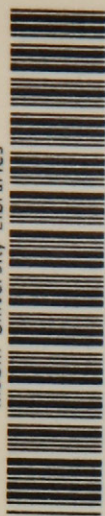
The fine mess over the jurisdiction in criminal prosecutions was both typical and special. It got its start routinely enough when a fellow from Alberta named Patrick Hauser was charged by the federal attorney general on two counts of possessing cannabis for the purposes of trafficking contrary to the Narcotic Control Act, which is a federal statute. Hauser's lawyers, a nervy bunch, decided to launch a constitutional attack on behalf of their client. They contended that the Parliament of Canada lacked the competence to

enact legislation authorizing the Attorney General of Canada to prefer indictment for an offence, as he had against Patrick Hauser, under the Narcotic Control Act. According to the argument on behalf, a proper construction of the BNA Act gave jurisdiction for narcotics crimes to the provincial attorneys general and not to their federal counterpart.

The case of *Regina v. Hauser* came before seven members of the Supreme Court of Canada on May 29, 1978. A glittering array of counsel was on hand, John Robinette for the federal government and representatives for the attorneys general of

cont'd on p.3





# ANNOUNCEMENTS

## Term I Examination Schedules

Fall Term Examination Schedules are now available at the Student Affairs Office.

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## Examination Numbers

All Law Faculty examinations are written by an Examination Number: these numbers are now available at the Student Affairs Office.

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## Deadline for Submission of Essays and Term Papers

Please note that all essays and term papers are due at the Student Affairs Office by Friday, December 2, 5:00 p.m.

Extensions are not granted without prior permission from the Associate Dean.

\*\*\*\*

## Exam Information Meeting

### General Assembly - First Year Students

A general briefing on examination procedures will be given by the Associate Dean, Professor Morissette.

All first year students are urged to attend. All interested upper year students are cordially invited to attend.

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## New Journal/Review Study

We are looking for candidates to participate in

this study, which will begin *next* semester.

The sign-up sheet is in SAO.

\*\*\*\*\*

## Placement Office

Please note that the Placement Office will not have regular office hours following the last week of classes. The new hours for the

Winter term will be posted during the first week of January. If you have any questions or need access to any information during the interim, please do not hesitate to direct them to Suzanne Roy Gasperec in the Admissions Office. I wish you all good luck on your exams and a very merry Christmas.

Kim Fallis-Howell

# HOLIDAY FOOD BASKET

## Suggested Shopping List

Canned Meat  
Canned Fish  
Canned Vegetables  
Canned or Dried Fruit  
Soups  
Stews  
Crackers  
Cookies  
Pastas  
Candies  
Toys

And anything else you can spare!

Remember our donations will go to assist the more than 5000 who benefit from the Sun Youth and Garde Manger Christmas Basket Programs.

Food Basket donations can be dropped in the basket in the Pit or at the happy house coffee hour from Nov. 8th to to Nov. 26th.

For additional information contact Robin Reid, Lisa Balaban or your class presidents.



# Dean's Hot Seat

by Dean Rod McDonald

**As anyone who works in, or is affected by, a large organization knows communication is essential to anticipating problems and resolving difficulties as they arise. Typically organizations throw up representative structures to inform and discipline the exercise of authority. Thus, the University has a Board of Governors and a Senate — upon which students, professors and deans all sit — for such purposes.**

Within the Law Faculty we have a system involving a Faculty Council and committees to serve as a vehicle for communication. Eight students, seven B.C.L. and LL.B students and one graduate student are members of Faculty Council. This represents twenty per cent of the membership of that body. In addition, each of those student members, plus some fifteen other students are member of Faculty Council standing committees, and there is no *ad hoc* committee of the faculty which does not have student membership. Moreover, students are, despite rumours to the contrary, full members of all committees and participate in all activities of these committees except the admission of individual students to the Faculty and the vetting of individual exam results. Finally, even when the Faculty meets in closed session to deal with marks, etc., the agenda for such meetings is publicly circulated to all members of Faculty Council.

Meetings of Faculty Council are scheduled monthly and are held whenever there are sufficient items for an agenda. The Faculty Council typically meets in September, November, January, February, March, and if there is business to be completed, in early April, as well as in May to review the year's marks and approve the graduation list. In the past, Faculty Council meetings were often long and acrimonious because committees were not functioning well. These past three

years, however, committee reports have been adopted by the Council virtually unanimously. (It is to be noted that student representation on committees is actually higher than on Faculty Council and that the perception of Faculty Council as a "rubber stamp" arises because committees are working. Faculty Council is a public body, open to all members of the Law School community, whose agenda and minutes are published throughout the Faculty. It is expected that members of committees and the Council will aid in the dissemination of its work and decisions.

Of course, the phenomenon of executive federalism also exists in the Faculty. To that end, the Dean meets, at least weekly, often more frequently, to discuss matters such as pin-ball machines, financing the law games, etc. Moreover, the Dean often

meets directly with committees such as the Computer Committee, the Careers Committee, etc. to resolve issues which arise during term or to review financing for capital projects. It often occurs that class presidents also meet with the Dean to discuss matters of particular interest to a given class — scheduling conflicts, class cancellations, timing of essay assignments, etc. — and to develop appropriate responses.

Yet often these structures do not provide adequate opportunity for direct feedback and input from students. For this reason, Norbert and I will be scheduling monthly Hot Seats in the Moot Court Room in order that students may directly raise issues of concern. These will be scheduled during the Wednesday noon slot so that all may attend. Look for notices in the *Quid* and on the bulletin boards early in the new term. I hope to see you there.

## Final Arbiter cont'd from p. 1

nine provinces who were keen to test and expand the limits of their jurisdiction. Counsel went at the fray for three days, and the feeling in the courtroom was that the seven justices were buying the federal argument. When the court retired on the afternoon of May 31, Robinette and most of the other counsels would probably have bet a dollar or two on the prospects of a judgment upholding federal jurisdiction over drug offences. Little did they know they would be destined to wait almost a year until the judgment was released on May 1, 1979, to collect on their wagers.

The explanation for the hold-up lay in a shift of views behind the scenes at the Supreme Court Building. Mr. Justice Brian Dickson weighed in with the first surprise. He spent many months in research and rethinking, and at last pro-

duced a very long and beautifully crafted piece of writing that, to the consternation of all but one of his fellow justices (Yves Pratte, who concurred in Dickson's judgment), came out on the side of the provinces.

Dickson took the view that there is a basic division of labour which may not be implicit in the Canadian constitution but which is rooted in history. The division breaks down this way: the legislative responsibility in the criminal field is federal and the prosecuting responsibility is primarily provincial. Parliament in Ottawa may define the crimes and the procedural rights, but the provinces have the major role in law enforcement, because the provinces are closer to the people and because criminal law requires a grass-roots sensitivity. Thus, answering the constitutional questions raised in the Hauser circumstances, Dickson held that it wasn't within Parliament's competence to authorize the federal attorney general to lay charges under the Narcotic Control Act.

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## Open Letter from the Editors

by Jeanne Cadorette, LL. B IV

You must admit that representing the "fourth estate" in this Law Faculty is not an easy task! The *Quid* must inform, amuse, present interviews, report on conferences dealing with serious matters; it must keep you up-to-date on all that happens in the Faculty and help you to remain current on subjects that generally interest law students. Your newspaper must do all this and more.

The *Quid* is our newspaper: it is what we want to make of it and what we are. Certain comments have been made to the *Quid* staff regarding the publication of articles in which it was felt that the subject (being of a partisan nature) was not appropriate or, at least, should not have been raised in the context in which it appeared.

The *Quid* publishes articles on matters of interest to law students and it is hard to believe that those students live in a world where politics has no place or where the legal implications of political decisions is of no interest. The entire *Quid* staff is happy to receive articles on issues that concern our readers. But the *Quid* cannot publish what is not submitted to it. If certain perspectives

do not appear, it is because no one had the nerve (or the time...) to write on that subject. The staff of the *Quid* cannot by itself present alternative views on all the opinions expressed by contributors.

The *Quid* is also, and most importantly, the mirror of our Faculty. If its articles are in French and English, it is because the writer submitted a bilingual text. If the submission is an announcement by one of the groups active in the Faculty, its bilingual form demonstrates a desire to inform all students. To repeat each paragraph in both languages seems to me to be an insult to the intelligence of our readers (as well as a waste of space that might be more usefully occupied!). If we use English and French it is always by dividing the text paragraph by paragraph, we are not attempting to create a hybrid, bastardized language.

Le *Quid* représente une faculté de droit qui se veut bilingue et son contenu ne reflète qu'une certaine vision du bilinguisme où le français et l'anglais ne sont plus deux "solitudes" qui vivent côte à côte en reprenant chacune leur version d'une même histoire ou d'une même information.

Le *Quid Novi* sera ce que vous en ferez, rien de plus mais surtout rien de moins!

### Champion des droits cont'd from p.1

Au sujet de l'état actuel des droits humains dans le monde le Professeur Humphrey déclare qu'aucune paix n'est possible sans respect des droits de l'homme. Le système de l'état-nation est trop ancien et le rôle de l'individu doit être renforcé. Le droit international n'a pas de mécanismes de coercion, il sert à convaincre, à éduquer les individus, à leur faire connaître leurs droits. L'ultime sanction du droit international devient donc

l'alerte de l'opinion publique au sujet des violations des droits fondamentaux. Les pays sont très sensibles à cette "organisation de la honte". Les médias ont un rôle important de conscientisation de l'opinion mondiale. Pour le Professeur Humphrey sa génération a été celle qui a établi des standards de respect des droits humains à l'échelle planétaire. Le défi de l'avenir c'est de créer des mécanismes pour faire respecter ces normes.



## Lettre ouverte des rédacteurs

by Jeanne Cadorette, LL. B IV

Vous avouerez que représenter le "quatrième pouvoir" dans cette Faculté de droit n'est pas de tout repos! Le *Quid* doit informer, faire rire, présenter des entrevues ou des résumés de conférence sérieux, vous mettre au fait de tout ce que se passe dans la Faculté et vous tenir au courant de sujets qui peuvent intéresser les étudiants de droit de façon générale. Votre journal doit faire tout ça et plus encore.

Le *Quid* c'est notre journal, il est donc ce que nous sommes et ce que nous voulons bien en faire. Certains commentaires ont été faits à l'équipe du *Quid* au sujet de la parution d'article(s) dont le sujet (à forte teneur partisane) n'aurait pas dû être publié ou du moins pas dans le contexte où il fut publié.

Le *Quid* publie ce qui intéresse les étudiants de droit et il est difficile de croire qu'ils vivent dans un monde où la politique n'a aucune place et où les implications juridiques des décisions politiques n'ont aucun intérêt. Toute l'équipe du *Quid* est heureuse de recevoir des articles touchant des sujets intéressant nos lecteurs. Mais le *Quid* ne publie que ce que vous lui faites parvenir. Si certains points de vue n'apparaissent pas c'est que personne n'a eu le courage (ou le temps...) d'écrire à leur sujet. L'équipe du *Quid* ne peut à elle seule présenter une alternative à tous les points de vue exprimés par les auteurs des articles.

Le *Quid* c'est aussi et surtout le miroir de notre Faculté. Si les articles sont en français et en anglais c'est que l'auteur de l'article en question nous a soumis un texte bilingue. S'il s'agit d'une annonce présentée par l'un des groupes oeuvrant dans la Faculté, son caractère bilingue démontre une volonté

d'informer tous les étudiants. Répéter *chaque* paragraphe d'information dans les deux langues nous semble une insulte à l'intelligence des lecteurs (de plus c'est un gaspillage d'espace qui pourrait être utilisé à meilleur escient!). Si nous utilisons l'anglais et le français c'est toujours en divisant le texte paragraphe par paragraphe et non pas en essayant de créer une langue entremêlée abâtardie.

The *Quid* represents a faculty that sees itself as bilingual and its content is reflective of a bilingualism where there is no longer "two solitudes" of English and French. Rather, we prefer to see two languages that live together offering their version of a shared story.

The *Quid Novi* will be what you make of it, nothing more and certainly nothing less!

### *Bar/Bri - New York Bar Review Program*

Quebec, Ontario and British Columbia define only the limits of your imagination, not the possibilities available to you as a law school graduate. Alternatives do exist outside of Canada, and New York is one of the more attractive of these. Bar/Bri offers the most extensive of all the bar preparatory courses in New York, as well as offering preparatory courses for bar exams in most other states.

Being a member of the New York Bar also has attractive advantages for the student who is not necessarily interested in practicing law, either in Canada or in the States. If you are considering working abroad, being a member of the New York Bar carries considerable weight with overseas companies.

All those interested in either writing the New York Bar, or simply in obtaining more information, are asked to contact Joani Tannenbaum at 989-1529 for details.

**\*\*\*REMINDER:** If you register for the Bar/Bri Law Review Course before Friday, November 25th, you will save \$150 U.S. off the regular price of the course.



# Le Premier dictionnaire de droit privé

**Le centre de recherche en droit privé et comparé du Québec de l'Université McGill publie le premier dictionnaire de droit privé applicable au Québec.**

C'est le vendredi 18 novembre que le professeur Paul-André Crépeau, directeur du Centre de recherche en droit privé et comparé du Québec de l'Université McGill a présenté la version anglaise du premier tome du dictionnaire de droit privé québécois (publié en 1985) ainsi que les lexiques anglais/français - français/anglais à leurs parrains et marraines: M. Pierre Laporte, Président de l'Office de la langue française, Me Anne-Marie Trahan, sous-ministre associée au Ministère fédéral de la Justice et Présidente du Programme national pour l'administration de la justice dans les deux langues officielles du Canada et M. Alain Landry, sous-secrétaire d'État du Canada.

Le président du comité anglais de rédaction du dictionnaire de droit privé, le professeur Robert Kouri, de l'Université de Sherbrooke, se dit convaincu que le *Private Law Dictionary* sera aussi bien accueilli que le fut le *Dictionnaire de droit privé* en 1985. "En effet" dit-il "jusqu'ici, les juristes québécois qui travaillent en anglais devaient se référer à des sources lexicographiques anglo-américaines ou de Common Law canadienne pour déterminer le sens de termes juridiques relevant du droit privé québécois. Or, les dangers inhérents à cette pratique sont évidents car ces ouvrages ne donnent pas de formulation juste du système de droit privé québécois qui est largement issu de la tradition civiliste française."

Comme le souligne un autre membre du comité de rédaction du dictionnaire anglais, le professeur John E.C. Brierley, de l'Université McGill, lui-même un spécialiste du droit civil et de l'histoire du droit, "le comité de rédaction du dictionnaire anglais ne se contente pas de traduire la définition d'un terme juridique telle qu'elle

est établie par nos collègues du comité de rédaction du dictionnaire français. Nous sommes, comme eux, engagés à fond dans un travail de recherche fondamentale en jurilinguistique et en épistémologie juridique." Cette façon de faire est d'autant plus justifiée que des pans entiers du Code civil du Bas-Canada ont été rédigés en anglais", de préciser le professeur Kouri. "Ainsi, le titre sur les Obligations qui figure dans le Code civil actuel a d'abord été écrit en anglais, au XIX<sup>e</sup> siècle, par le juge Charles D. Day, puis traduit en français; sans compter qu'une partie importante de la pensée civiliste traditionnelle au Québec s'est exprimée d'abord en anglais par le biais des jugements des tribunaux."

Il est donc arrivé que le réexamen en anglais de quelques-uns des 2000 termes juridiques déjà publiés dans le dictionnaire français ait

abouti à l'adoption, par le comité français, de modifications suggérées par le comité anglais. Ces modifications, qui sont au nombre de 180, sont publiées en supplément au *Lexique de droit privé anglais/français - français/anglais* qui sera lancé en même temps que le *Private Law Dictionary and Bilingual Lexicons*. C'est dire si le professeur Crépeau, maître d'oeuvre du dictionnaire de droit privé qui comprendra une fois terminé (aux environs de l'an 2000) quelques 10 000 termes, savait ce qu'il faisait en mettant en exergue des deux dictionnaires cette citation du juriste romain, *Javolenus*: "En droit civil, toute définition est périlleuse." (Digeste, 50, 17, 202).

C'est au professeur Crépeau que le gouvernement Lesage fit appel en 1965 pour

cont'd on p.10

## Summering at Old Chancellor Day Hall

by Jacquie Weber, LL.B III

It is important to remember, when thinking about summer jobs, that the BNP tower and Bay Street are not the only options for those of you who fear losing you newly-acquired legal skills over the summer.

One of the alternatives is to stay right here in the familiar environment of Old Chancellor Day Hall. Before you throw down this paper in amusement and disgust, read on. Several professors of the law faculty receive grants enabling them to hire students for varying lengths of time over the summer months.

Certainly the pay is not much (this is an understatement!) but the working conditions

can be delightful (depending, of course, on who your employer is!). The atmosphere is very relaxed, unlike at other times during the year, and students are given the opportunity to earn money while they learn.

The work generally involves research in a particular field. A professor may be working on a paper or putting together a casebook for the following year. Both projects involve spending a lot of time in the library but the research skills developed are invaluable.

I was not prepared to commit myself to a law firm but wanted a summer job involving legal work. A summer research position proved to be the answer for me. Do keep this option in mind and watch for notices in the spring, advertising these positions.



# Exams from Hell

**Ever had nightmares? The following are sample exam questions that may provide you with food for thought for your nightmares.**

## Common Law Property by William Boulet, B.C.L. II

Sarah Munn-Bagsley, a crunchy but aging widow of immense wealth and little time, proposes to devise all of her property to her senile octogenarian paramour for (what is hoped will be a mercifully short) life, then to any of her grandsons and granddaughters to attain (unlike her own children) the mental age of 21, on the condition that the property *absolutely not* be used for school purposes. Absent-mindedly powdering her nose with the angora kitten on her dressing table, she decides to pay her solicitors a call and sets off at a hobble across her neighbour's land who, as has been his wont for the past fifty-eight years, discharges a barrage of buck-shot in her direction. Emerging onto the main road, she slips into an open manhole and is later found on the bed of navigable watercourse fifteen miles away from her home.

You are asked to address the following issues in elegant 12th century Norman French, bearing in mind that the customs of gavelkind and burrough English might not apply in this case: Does the Statute of Uses apply to the angora kitten? Can the Crown disclaim all responsibility for the remains of Mrs. Munn-Bagsley? Can the neighbour reasonably be said to have acquiesced in the easement? Is it against public policy to expect anyone to attain the mental age of 21? Can the senile paramour be said to offend the Rule Against Perpetuities? Does the concept of base fee apply to the solicitors?

## Business Associations by Dan Urbas, B.C.L. II

**Facts:** X (not his real name) starts a sole

proprietorship business in September '88. The purpose of the business is to pass the business associations exam. X elects Y (also known as 'W') to do his exam writing. Y also offers to attend all classes and write the three term assignments. Y scores well on these assignments, better than X expected. X incorporates in November after the last assignment is graded but Y decides not to write the final exam. X worries about how he can get his hands on the term assignment marks and the class notes taken by his agent Y acting for the undisclosed principal (principle?) X. This is not the end of X's problems.

On exam day, the curvaceous vamp Z (simply known as 'R') made a front-end loaded bust-up merger attempt to take control of X's exam-passing corporation. X needs the term assignment marks to boost his G.P.A. - gross personal ambition.

**Question:** 95% - Advise X (not his real name) about which defensive measures are available to him to thwart Z (simply known as 'R') in her attempt to acquire the pre-incorporation marks gained by Y (also known as 'W') who purportedly acted as agent for the undisclosed principal/principle X.

Excogitate a response utilizing military and horticultural metaphors, abridging your solution set to the above inquiry to twenty-five words or less and, in doing so, incorporate the correct spellings and uses for principal/principle - not necessarily in that order.

5% - Is Yvonne Charest single and, if so, is she seeing George Maxwell? Is there any conflict of interest between the steady flow of bungled law work from Maxwell and Borden to Charest and McCarthy and a possible tryst between Yvonne and George?

## Bleak House

**Excerpts from the Novel (800 pages of knee-slapping Christmas reading by lawyer-basher Charles Dickens)**

**submitted by Julie C. Godin, B.C.L. III**

"But it was, sir," said I, to bring him back, for he began to rub his head, "About a will?" "Why, yes, it was about a will when it was about anything," he returned. "A certain Jarndyce, in an evil hour, made a great fortune, and made a great will. In the question how trusts under that will are to be administered, the fortune left by the will is squandered away; the legatees under the will are reduced to such a miserable condition that they would be sufficiently punished if they had committed an enormous crime in having money left them; and the will itself is made a dead letter. (...) Equity sends a question to Law, Law sends questions back to Equity; Law finds it can't do this, Equity finds it can't do that; neither can so much as say it can't do anything, without this solicitor instructing and this counsel appearing for A and that solicitor and that counsel appearing for B; and so on

through the whole alphabet, like the history of the apple pie...."

"Jarndyce and Jarndyce drones on. This scarecrow of a suit has, in course of time, become so complicated that no man alive knows what it means. The parties to it understand it least; but it has been observed that no two Chancery lawyers can talk about it for five minutes, without coming to a total disagreement as to all the premises. Scores of persons have deliriously found themselves made parties in Jarndyce and Jarndyce, without knowing how or why; whole families have inherited legendary hatreds with the suit...."

"Jarndyce and Jarndyce has passed into a joke. Articled clerks have been in the habit of fleshing their legal wit upon it. The last Lord Chancellor handled it neatly when, correcting Mr. Blowers, the eminent silk gown who said that such a thing might happen when the sky rained potatoes, he observed, "Or when we get through Jarndyce and Jarndyce, Mr. Blowers."



## Final Arbiter cont'd from p. 3

When Dickson's judgment was circulated among the other judges, Mr. Justice Louis-Philippe Pigeon was caught by surprise. Pigeon, a sound and thoughtful judge who was in the last of his thirteen years on the court, firmly believed that the authority to prosecute under the Narcotic Control Act belonged to the federal government, and he rushed to write a rebuttal to Dickson. The judgment that resulted proved to be a most peculiar document.

Pigeon might easily have concluded that the federal government derived its authority in drug prosecutions from section 91(27) of the BNA Act, which gave the feds jurisdiction over the procedure of criminal matters. That would seem convincing. Instead, Pigeon shied off in a different direction. He relied on the residuary power bestowed on the federal government by the BNA Act to pass laws that were for "the peace, order and good government of Canada". Pigeon's reasoning was that the Narcotic Control Act grappled with

a genuinely new and pressing problem - illegal drugs - which didn't exist in 1867 when the BNA Act was written. The Narcotic Control Act couldn't be put under the class of "matters of a merely local and private nature" which the BNA Act assigned to the provinces. It came under peace, order and good government. It was a proper exercise of federal authority, and Canada's Attorney General could proceed against Patrick Hauser.

Pigeon's judgment, peculiarities and all, was joined in by three other justices and thereby became the majority judgment in *Regina v. Hauser*. But that left one of the seven justices who sat on the case unaccounted for, Mr. Justice Wishart Spence, a veteran who was approaching the end of his fifteen years on the court, and he proceeded to write his own judgment. He agreed that narcotics prosecutions were a federal matter, but he wasn't going for any of this peace order and good government theorizing. He preferred section 91(27) of the BNA Act, the criminal-law power that was given to the federal government. That was good enough for Spence. And, what was more, he pointed out that

narcotics was clearly a business which crossed provincial and national borders and that section 91(2) gave the federal government power over trade and commerce. As far as Spence was concerned, those two sections were the plain and clear end of the matter.

Thus, in the result, the sides stacked up in three groupings when the Hauser decision became public in May 1979.

Pigeon, joined by Ronald Martland, Roland Ritchie, and Jean Beetz, supported the federal authority in narcotics prosecutions under the peace order and good government section of the BNA Act.

Spence upheld the federal jurisdiction under the criminal section and the trade and commerce section.

Dickson, joined by Pratte, in one of the most compelling dissents in recent court history, supported the provincial authority in drug prosecutions.

As for Patrick Hauser, he went back to Alberta to face the trial court once again.

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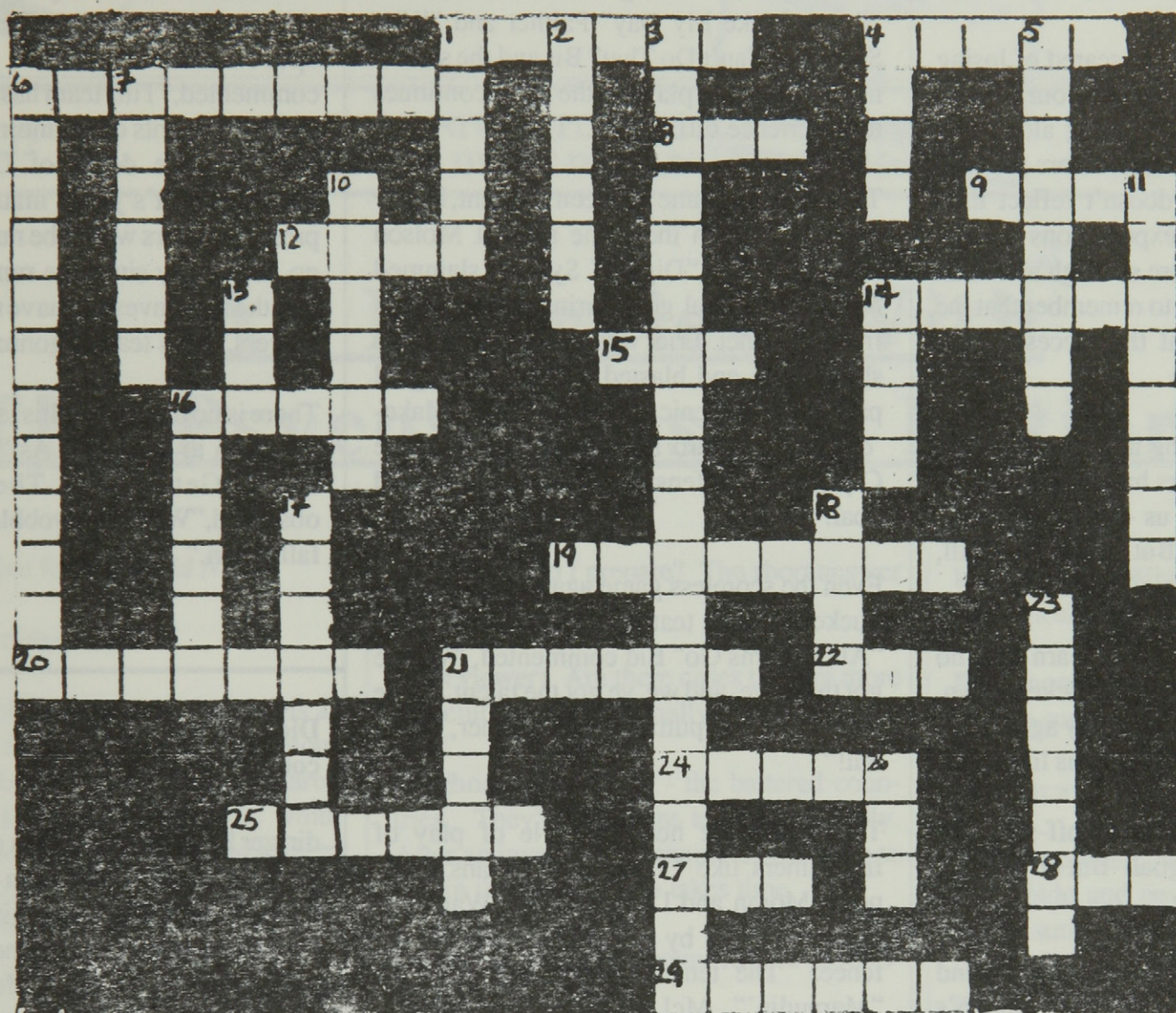
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# Crossword



by Zino "One-up" Macaluso, B.C.L. II

## Across

1. Law cafeteria deadly flour creation
4. Nuclear waste or law cafeteria grease
6. To be a jurist, you must smell this (2 words)
8. Urbas beverage
9. Christmas or "\_\_\_\_\_ be sorry!"
12. American mistake or thicket
14. They're either from New Jersey or Tasmania
15. The only kind of games we have
16. The American Eagle or our Dean
19. Fee tails allegedly live there
20. Shattered or what law students get after their moots

21. Mistake of 12 across or small bird
22. Early morning beverage or card game
24. Baglike mammary organs of a goat
25. Vested in possession or summer
27. Sexually transmitted juridical opinion
28. 1.92 or it drops every year (abbrev.)
29. What an international law professor asks for at Halloween

## Down

1. Distinct document
2. Hot dish of melted cheese and wine or "I'm very \_\_\_\_\_ you"
3. Waterway or opposite of a domestic gay
4. Bean curd or edible grass
5. Diplomatic or what all crossword puzzle writers should have
6. By Statute, it settles who died

7. Pickles or a professor at this university
10. Hawaiiin garb or bad cow impression
11. "Of course you may step on my grass."
13. What you do to an entail or where a law student spends most of his time
14. A corpse
16. They separate white light passing through them or what you think you see after 2 hours of Taxation
17. Less serious than an easement or drivers have them
18. Constitutional expert or full-grown pig
21. Not the Law Library
23. Il faut en avoir beaucoup de ça pour parler en Business Associations
26. Oil brand or law cafeteria coffee



# Glimpses of Games Past

by Scoop Thustory, LL. B III

Coach Guiney: "Sure, I'm scared of losing my job. Who wouldn't be, with our record? The teamwork is really coming along and we've got a lot of bright new stars to work with. But the record doesn't reflect that, especially when the expectations of the owners and the fans were so high after that first big win. You have to remember that the team is young and that the pieces are all falling into place."

Sylvain: "We're playing in a league where most of the other players have at least 8 cm. and 10 kg. on each of us - on me anyway. We're sitting ducks. But bruises and all, there's no way we're going to give up."

Quon: "They've just got to learn that no matter how many times I get knocked down, I'm going to get back up and play aggressive hockey. I think the whole team is like that."

Lannan: "Yeah, it was a stupid off-side, and it blew an almost sure goal. But no one can deny that we're hungry."

After three straight losses, rumours abound concerning the future of the women's hockey team. Sources say that an anonymous group of English Canadian investors is looking at buying the team and moving it to Hamilton, Ontario. Coach Guiney's job, however, is not in peril - it would, according to the team, cause a player revolt.

Despite the addition of several highly skilled

new players, including "Wheels" Frier, "Go Ahead, Make My Day" Palmer and "Who Says You Can't Do That" Bir and the steadiness of the core players, the team continues to experience difficulties.

The offensive game has been brilliant, if only intermittent. In the game against Molson Muscle, Diane "Digger" Sylvain slammed home a beautiful goal during a skirmish in front of the net. Frier was poetry in motion as she flew in and blasted an unassisted goal past the Cryogenics' goalie, while "Make-'em Spin" Munro later snaked through the Cryogenics' defensive line to add a second goal.

Even the scoreless game against the Mother Puckers left the team undaunted. Elizabeth "All Systems Go" Eid commented, "We've got the drive, and we've got the talent. Once we've finished putting it all together, watch out!"

The aggressive head-up style of play of front-liners like "This Smile Means Business" Moran and Leslee "Legs" Warren is complemented by a no-holds-barred defence. The tenacity of players such as "Maraudin" McLaughlin, "Quick-step" Quon and Ann "The Rock" Martin provide a formidable wall for opponents. A rotational system of goal-tending has also served the team well. As Munro, the team's captain, explained, "Who wouldn't want to put on 30 kg. of already steaming equipment and set themselves up as a sacrificial lamb in the goal crease? We're a team!"

The team scoffs at any rumours of a move, and rightfully so, in the opinion of this sportswriter. Even Don Cherry commented, "This team has backbone. All of the components of a winning team are there, and with the depth of Guiney's hockey knowledge, it's just a matter of time. The present owners would be nuts to let this team go, especially since the rumours of vultures like the new investors have really fired up the players. This team's gonna click!"

There is no doubt that this team has the determination to succeed. As "Grit Your Teeth and Get In There" Lannan observed, "Weebles wobble, but we don't fall down."

## Dictionnaire cont'd from p.6

diriger l'Office de révision de Code civil. En 1977, sous la forme d'un *Projet de Code Civil*, Me Crépeau proposait le rapport de son organisme au gouvernement Lévesque et retournait à l'Université McGill pour mettre sur pied un important programme de recherche destiné à établir les fondements juridiques sur lesquels s'appuiera le nouveau Code civil québécois. "En effet" dit-il "le Code civil n'est qu'un squelette; il faut y rattacher, entre autre, un traité de droit civil, une édition historique du Code civil du Bas-Canada avec suppléments cumulatifs, une édition critique annuelle des Codes civils et enfin un dictionnaire de droit privé en anglais et en français ainsi qu'un lexique juridique bilingue de droit privé. Déjà, certains de ces ouvrages sont publiés; d'autre le seront, au cours des prochaines années, au fur et à mesure qu'avanceront les travaux de recherche et que sera fixée la date d'adoption du nouveau Code civil du Québec. Ces travaux sont réalisés, au sein du Centre, sous l'égide d'un conseil de direction scientifique composé de représentants de toutes les facultés de droit civil, des chambre professionnelles du Barreau et du Notariat et de la magistrature.

## Sports Corner Le Coin des sportifs

by Anthony Fata, Athletic Co-ordinator

Sign-up sheets for the Law Games sports are now posted on the sports board in the pit.

Les feuilles d'inscription pour les sports aux Jeux-Ridiques sont maintenant affichées sur le babillard des sports dans le pit.